

By: _____

JWZ

H.B. No. 2251

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the commissioners court of a county to regulate the movement of an oversize manufactured house on certain county roads, bridges, or culverts; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 623.092, Transportation Code, is amended to read as follows:

Sec. 623.092. PERMIT REQUIREMENT. (a) A manufactured house in excess of legal size limits for a motor vehicle may not be moved over a highway, road, or street in this state except in accordance with a permit issued by the department. In a county that requires a permit for the movement of a manufactured house under Section 623.106, a manufactured house in excess of legal size limits for a motor vehicle may not be moved over a county road, bridge, or culvert except in accordance with a permit issued by that county.

(b) A [~~county or~~] municipality may not require a permit, bond, fee, or license, in addition to that required by state law, for the movement of a manufactured house.

SECTION 2. The heading to Section 623.093, Transportation Code, is amended to read as follows:

Sec. 623.093. CONTENTS OF APPLICATION FOR PERMIT FROM DEPARTMENT AND PERMIT.

SECTION 3. Section 623.093(a), Transportation Code, is

1 amended to read as follows:

2 (a) The application for a permit from the department and a
3 ~~[the]~~ permit issued by the department must be in the form prescribed
4 by the department. The permit must show:

5 (1) the length, width, and height of the manufactured
6 house and the towing vehicle in combination;

7 (2) the complete identification or serial number, the
8 Department of Housing and Urban Development label number, or the
9 state seal number of the house;

10 (3) the name of the owner of the house;

11 (4) the location from which the house is being
12 transported;

13 (5) the location to which the house is being
14 transported; and

15 (6) the route for the transportation of the house.

16 SECTION 4. Section 623.094(b), Transportation Code, is
17 amended to read as follows:

18 (b) The license or registration number of the person to whom
19 the department issues the permit ~~[is issued]~~ shall be affixed to the
20 rear of the manufactured house during transportation and have
21 letters and numbers that are at least eight inches high.

22 SECTION 5. Sections 623.096 and 623.097, Transportation
23 Code, are amended to read as follows:

24 Sec. 623.096. ~~[PERMIT]~~ FEE FOR PERMIT ISSUED BY DEPARTMENT.

25 (a) The department shall collect a fee of \$20 for each permit
26 issued by the department under this subchapter. Of each fee
27 collected by the department, 30 cents shall be deposited to the

1 credit of the state highway fund.

2 (b) The department shall adopt rules concerning fees for
3 each annual permit issued by the department under Section
4 623.095(c) at a cost not to exceed \$1,500. Two percent of any fee
5 adopted shall be deposited to the credit of the state highway fund.

6 (c) The department may establish an escrow account for the
7 payment of [~~permit~~] fees for a permit issued by the department.

8 Sec. 623.097. DURATION OF PERMIT ISSUED BY DEPARTMENT. A
9 permit issued by the department is valid for a five-day period.

10 SECTION 6. Section 623.098(b), Transportation Code, is
11 amended to read as follows:

12 (b) Each beacon shall be operated during a move under a
13 permit issued by the department and while on a highway, road, or
14 street in this state.

15 SECTION 7. Section 623.100(a), Transportation Code, is
16 amended to read as follows:

17 (a) Movement authorized by a permit issued by the department
18 under this subchapter may be made on any day, except a national
19 holiday, but shall be made only during daylight hours.

20 SECTION 8. The heading to Section 623.104, Transportation
21 Code, is amended to read as follows:

22 Sec. 623.104. CIVIL AND GENERAL CRIMINAL PENALTIES.

23 SECTION 9. Section 623.104, Transportation Code, is amended
24 by amending Subsection (b) and adding Subsection (f) to read as
25 follows:

26 (b) A person convicted of an offense under Subsection (a)
27 may also be assessed a civil penalty of not less than \$200 or more

1 than \$500 for failure to:

- 2 (1) obtain a permit from the department;
- 3 (2) have a required rotating amber beacon on the
- 4 manufactured house or towing vehicle;
- 5 (3) provide a required escort flag vehicle; or
- 6 (4) have the required insurance.

7 (f) Subsections (b) and (c) do not apply to an offense under

8 Section 623.106(f).

9 SECTION 10. Subchapter E, Chapter 623, Transportation

10 Code, is amended by adding Section 623.106 to read as follows:

11 Sec. 623.106. COUNTY PERMIT FOR MOVEMENT OF MANUFACTURED

12 HOUSE. (a) The commissioners court of a county may require a

13 permit for the movement of a manufactured house in excess of legal

14 size limits for a motor vehicle over a county road, bridge, or

15 culvert that has a load limitation established under Subchapter B

16 of Chapter 621 or Section 621.301.

17 (b) In a county in which a permit for the movement of a

18 manufactured house is required, a person may not move a

19 manufactured house in excess of legal size limits for a motor

20 vehicle over a county road, bridge, or culvert that has a load

21 limitation established under Subchapter B of Chapter 621 or Section

22 621.301, unless the person:

23 (1) holds a permit issued by the commissioners court

24 of the county or a person designated by the commissioners court that

25 authorizes the movement of the manufactured house in the county;

26 and

27 (2) moves the manufactured house over the route

1 approved by the commissioners court or person designated by the
2 court.

3 (c) The commissioners court of a county may impose a
4 nonrefundable application fee not to exceed \$10 for a permit under
5 Subsection (b).

6 (d) If the person applying for a permit under Subsection (b)
7 holds a permit issued by the department for the movement of the
8 manufactured house, the person's application must be accompanied by
9 a copy of:

10 (1) the permit issued by the department; and

11 (2) any bond or letter of credit required for that
12 permit.

13 (e) A permit issued under Subsection (b) must be:

14 (1) carried in the vehicle moving a manufactured house
15 in the county of issuance; and

16 (2) displayed to any peace officer on the officer's
17 request.

18 (f) A person commits an offense if the person:

19 (1) moves a manufactured house in a county that
20 requires a permit for the movement of the manufactured house:

21 (A) without a permit issued under Subsection (b);
22 or

23 (B) over a route that is not approved for that
24 movement; or

25 (2) fails to carry or display a permit in violation of
26 Subsection (e).

27 (g) An offense under Subsection (f) is a Class C

1 misdemeanor.

2 SECTION 11. The change in law made by this Act applies only
3 to the movement of a manufactured house that occurs on or after
4 September 1, 2005. The movement of a manufactured house that
5 occurred before September 1, 2005, is governed by the law in effect
6 on the date the movement occurred, and the former law is continued
7 in effect for that purpose.

8 SECTION 12. This Act takes effect September 1, 2005.

H.B. No.

2251

A BILL TO BE ENTITLED
AN ACT

By _____

PNR

relating to the authority of the commissioners court of a county to regulate the movement of an oversize manufactured house on certain county roads, bridges, or culverts; providing a penalty.

MAR 08 2005

Filed with the Chief Clerk

MAR 14 2005

Read first time and referred to Committee on County Affairs

Reported ____favorably (as amended)
(as substituted)

Sent to Committee on (Calendars)
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ years, _____ days)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

Read third time, _____, and passed by a (viva voce vote)
(_____ yeas, _____ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)